In the Matter Of:

KULAKOWSKI vs WESTROCK SERVICES

MICHAEL WHITE

November 15, 2017



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NOLANOVONI VS VILOTINOCIN OLIVVIOLO	
IN THE UNITED STATES DISTF FOR THE MIDDLE DISTRICT OF NASHVILLE DIVISION	TENNESSEE
MICHAEL KULAKOWSKI,)
Plaintiff,))
vs.))CASE NO.)3:16-CV-02510
WESTROCK SERVICES, INC.,)
Defendant.)
DEPOSITION OF	
MICHAEL P. WHITE	
Taken on Behalf of the Pl	laintiff
November 15, 2017	7
Commencing at 3:15 g	o.m.
Reported by: Jerri L. Porter, RPR, Tennessee LCR No. 335 Expires: 6/30/2018	, CRR

1	Page 2 APPEARANCES:	1	Pag The deposition of MICHAEL P. WHITE was
	For the Plaintiff:	2	taken on behalf of the Plaintiff on November 15,
3	HEATHER MOORE COLLINS		
	Collins & Hunter	3	2017, in the offices of Bone, McAllester & Norton,
4	7000 Executive Center Drive Building 2, Suite 320	4	131 Saundersville Road, Suite 130, Hendersonville,
5	Brentwood, Tennessee 37027	5	Tennessee, for all purposes under the Federal Rules
_	(615) 724-1996	6	of Civil Procedure.
6	heather@collinshunter.com	7	The formalities as to notice, caption,
7	The the Defendant	8	certificate, et cetera, are waived. All objections,
8	For the Defendant:	9	except as to the form of the questions, are reserved
•	MARY DOHNER SMITH	10	to the hearing.
9	Constangy, Brooks, Smith & Prophete	11	It is agreed that Jerri L. Porter,
	1010 SunTrust Plaza	12	being a Notary Public and Court Reporter for the
0	401 Commerce Street	13	State of Tennessee, may swear the witness, and that
1	Nashville, Tennessee 37219 (615) 320-5200	14	the reading and signing of the completed deposition
_	mdohner@constangy.com		
2		15	by the witness are reserved.
3		16	
4		17	
5 6		18	
7		19	
8		20	
9		21	* * *
0 1		22	
2		23	
3		24	
4		25	
5		25	
	Page 3		Pa
1	INDEX	1	MICHAEL P. WHITE
2	INDEX OF EXAMINATIONS	2	was called as a witness, and after having been fin
3	Page	3	duly sworn, testified as follows:
4	Examination By Ms. Collins5	4	EXAMINATION
5	Examination By Ms. Dohner Smith19	5	BY MS. COLLINS:
6		1 2	DI MB. COLLING.
J	Examination By Ms. Collins24	6	
7	Examination By Ms. Collins24	6	Q Good afternoon. Could you state your
7	Examination By Ms. Collins24	6 7	Q Good afternoon. Could you state your complete name for the record, please.
7 8		6 7 8	Q Good afternoon. Could you state your complete name for the record, please. A Michael Perry White.
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7 8 9 0 1 2 3 4 5 6 7 8 9 0 1 2	INDEX OF EXHIBITS	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q Good afternoon. Could you state your complete name for the record, please. A Michael Perry White. Q Mr. White, what is your address? A 3258 Union Camp Road, Lafayette, Tennessee 37083. Q What is your phone number? A House or cell? Q Cell. A (615)633-5006. Q Where do you currently work? A WestRock fulfillment. Q How long have you been out there? A Twenty-five years. Q What is your current job title? A I just printed my paycheck off. It says
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		Page 6		Page 8
1	Q	How long have you been in this role?	1	before Mr. Whited's termination?
2	A	Ten years probably. I've had several over	2	A Yes, ma'am.
3	the yea	ars.	3	Q Had any of those events happened the year
4	Q	Had several different jobs over the years?	4	that Mr. Whited was terminated, 2016?
5	A	Yes.	5	A Yes, ma'am.
6	Q	Okay. How long have you been employed by	6	Q Do you recall Mr. Whited hitting or kicking
7	WestRoo	k?	7	Mr. Kulakowski in the groin?
8	A	Twenty-five.	8	A Yes, ma'am.
9	Q	Who do you report to?	9	Q Do you recall him hitting or kicking
10	A	Right now I report to Keith Hall.	10	Mr. Kulakowski Mr. Whited hitting or kicking
11	Q	Who did you used to report to?	11	Mr. Kulakowski in the groin so hard that he fell to
12	A	It was Larry Eden.	12	the ground and couldn't breathe?
13	Q	Was that when Larry Eden was plant manager?	13	A No, ma'am.
14	A	Yes, ma'am.	14	Q Do you recall Mr. Whited hitting
15	Q	Have you ever reported directly to Tommy	15	Mr. Kulakowski in the groin with a broom or any
16	Whited:)	16	object?
17	A	Yes, ma'am.	17	A I don't think so.
18	Q	When was that?	18	Q Did you witness Mr. Whited kicking a chair
19	A	Somewhere in the neighborhood of three or	19	out from under Mr. Kulakowski?
20	four ye	ears ago.	20	A I don't recall seeing that.
21	Q	Is your job a management position?	21	Q When you witnessed Mr. Whited hitting or
22	A	Yes.	22	kicking Mr. Kulakowski, did you report that to
23	Q	You're salaried?	23	anyone else?
24	A	Salary.	24	A No, ma'am.
25	Q	Okay. Now, you worked with Michael	25	Q Was Mr. Eden present when that happened on
		Page 7		Page 9
1	Kulakov	ski, right?	1	some of those occasions?
	A	Yes.	2	A I can't honestly say I recall him being
3	Q	Do you still work with him?	3	there.
4	A	He's off at the present time.	4	Q Were people out at the plant kind of afraid
5	Q	But you still work with him out at the		of Mr. Whited?
6		ment center?	6	A Yes, ma'am.
7	A	Yes. He works at the fulfillment center.		
_	_		7	-
8	Q	And you worked with Tommy Whited when he was	8	people were so afraid of him?
8 9		And you worked with Tommy Whited when he was the fulfillment center?	8 9	<pre>people were so afraid of him? A He was kind of bipolar. Would be in a good</pre>
8 9 10	A	And you worked with Tommy Whited when he was the fulfillment center? Yes. He was over both facilities.	8 9 10	<pre>people were so afraid of him? A He was kind of bipolar. Would be in a good mood and then wouldn't or better terminology,</pre>
8 9 10 11	A Q	And you worked with Tommy Whited when he was the fulfillment center? Yes. He was over both facilities. Did you ever witness Tommy Whited hitting or	8 9 10 11	people were so afraid of him? A He was kind of bipolar. Would be in a good mood and then wouldn't or better terminology, grouchier than hell the next minute.
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8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q kicking A Q A Q occasio A Q happen A Q ten?	And you worked with Tommy Whited when he was the fulfillment center? Yes. He was over both facilities. Did you ever witness Tommy Whited hitting or Michael Kulakowski? Yes, ma'am. Do you recall when it was? I can't tell you when the last time was. Have you seen that happen on more than one on? Yes, ma'am. About how many times had you seen that Handful of times. Handful, is that less than ten or more than	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	people were so afraid of him? A He was kind of bipolar. Would be in a good mood and then wouldn't or better terminology, grouchier than hell the next minute. Q Was that kind of across the board, that everybody was afraid of him? MS. DOHNER SMITH: Objection. BY MS. COLLINS: Q Or your perception? A I've not I mean, I really I don't know what other people felt like, but it seemed to me that other people were felt that way, yes. Q Did he threaten people's jobs if they didn't like the way things were out there? A I've heard him threaten, but he never fired anybody. So I don't know if that held much water.
8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q kicking A Q A Q occasio A Q happen A Q ten? A	And you worked with Tommy Whited when he was the fulfillment center? Yes. He was over both facilities. Did you ever witness Tommy Whited hitting or Michael Kulakowski? Yes, ma'am. Do you recall when it was? I can't tell you when the last time was. Have you seen that happen on more than one on? Yes, ma'am. About how many times had you seen that Handful of times.	8 9 10 11 12 13 14 15 16 17 18 19 20 21	people were so afraid of him? A He was kind of bipolar. Would be in a good mood and then wouldn't or better terminology, grouchier than hell the next minute. Q Was that kind of across the board, that everybody was afraid of him? MS. DOHNER SMITH: Objection. BY MS. COLLINS: Q Or your perception? A I've not I mean, I really I don't know what other people felt like, but it seemed to me that other people were felt that way, yes. Q Did he threaten people's jobs if they didn't like the way things were out there? A I've heard him threaten, but he never fired

	AKOWSKI VS WESTROOK SERVICES		
1	Page 10 would find out about it, or anything like that?	1	Page 12 Q You wished you would have reported
2	A I've never heard him say that, no.	2	Mr. Whited?
3	Q Have you ever made a complaint to HR about	3	A Well, yes. If he had been my direct report,
4	Mr. Whited and the way he treated employees?	4	I feel like I would have had to.
5	A No, ma'am.	5	
	·	_	
6	Q Why not?	6	you would have reported him?
7	A I didn't think it would matter.	7	A No. I just feel like that I don't know.
8	Q What do you mean by that?	8	I guess I didn't take it seriously enough. I did
9	A I didn't think they'd do anything about it.	9	think it was in a, like I said, horseplay manner.
10	Q Why do you feel that way?	10	Q And by horseplay, you mean the hitting and
11	A I just I don't know how to explain it.	11	kicking and that sort of stuff?
12	Because he'd been there so long, because he made the		A Yes.
13	company so much money.	13	Q Did you see Mr. Whited hit or kick other
14	Q When you saw Tommy Whited hitting or kicking	14	employees?
15	Mr. Kulakowski, did you think he was just joking	15	A Yes.
16	around with him?	16	Q Who else did you see him hit or kick?
17	A That was pretty much the culture, horseplay.	17	A The one I can really recall probably was
18	That's I guess it's been that way for years.	18	Jerry Harville.
19	Q With Mr. Whited hitting or kicking other	19	Q Anyone else?
20	employees?	20	A Not that I can recall.
21	A Yeah. Horseplaying, in a manner of that	21	Q Did you ever talk with Larry Eden about the
22	way, yes.	22	way Mr. Whited treated employees?
23	Q Did he ever hit or kick you?	23	A No.
24	A No.	24	Q Did Mr. Eden ever talk with you about it?
25	Q Do you think it's appropriate for the	25	A I don't recall him ever talking to me about
	Page 1	_	Page 13
	<u> </u>	'	rage 13
1	general manager to hit employees in the groin?	1	it, no.
1 2	general manager to hit employees in the groin? A This day and time, no.	1 2	
	A This day and time, no.	2	Q Did you ever have any dealings with an
2	A This day and time, no. Q Did you see Mr. Whited hit Mr. Kulakowski ir	2	Q Did you ever have any dealings with an employee named Helen Kendall?
2 3 4	A This day and time, no. Q Did you see Mr. Whited hit Mr. Kulakowski in the groin?	2 . 3 4	Q Did you ever have any dealings with an employee named Helen Kendall? A Yes, ma'am.
2 3 4 5	A This day and time, no. Q Did you see Mr. Whited hit Mr. Kulakowski in the groin? A You asked that already. Yes.	2 3 4 5	Q Did you ever have any dealings with an employee named Helen Kendall? A Yes, ma'am. Q What did you understand her role to be?
2 3 4 5 6	A This day and time, no. Q Did you see Mr. Whited hit Mr. Kulakowski in the groin? A You asked that already. Yes. Q Okay. I couldn't remember if I was	2 3 4 5 6	Q Did you ever have any dealings with an employee named Helen Kendall? A Yes, ma'am. Q What did you understand her role to be? A I thought she was human resource.
2 3 4 5 6 7	A This day and time, no. Q Did you see Mr. Whited hit Mr. Kulakowski in the groin? A You asked that already. Yes. Q Okay. I couldn't remember if I was specific. I forget.	2 3 4 5 6 7	Q Did you ever have any dealings with an employee named Helen Kendall? A Yes, ma'am. Q What did you understand her role to be? A I thought she was human resource. Q For the Gallatin plants?
2 3 4 5 6 7 8	A This day and time, no. Q Did you see Mr. Whited hit Mr. Kulakowski in the groin? A You asked that already. Yes. Q Okay. I couldn't remember if I was specific. I forget. A That's all right.	2 3 4 5 6 7 8	Q Did you ever have any dealings with an employee named Helen Kendall? A Yes, ma'am. Q What did you understand her role to be? A I thought she was human resource. Q For the Gallatin plants? A Yes, ma'am.
2 3 4 5 6 7 8 9	A This day and time, no. Q Did you see Mr. Whited hit Mr. Kulakowski in the groin? A You asked that already. Yes. Q Okay. I couldn't remember if I was specific. I forget. A That's all right. Q Did Mr. Kulakowski complain to you about the	2 3 4 5 6 7 8 9	Q Did you ever have any dealings with an employee named Helen Kendall? A Yes, ma'am. Q What did you understand her role to be? A I thought she was human resource. Q For the Gallatin plants? A Yes, ma'am. Q Did you know that WestRock had a compliance
2 3 4 5 6 7 8 9	A This day and time, no. Q Did you see Mr. Whited hit Mr. Kulakowski in the groin? A You asked that already. Yes. Q Okay. I couldn't remember if I was specific. I forget. A That's all right. Q Did Mr. Kulakowski complain to you about the way that Mr. Whited treated him?	2 3 4 5 6 7 8 9	Q Did you ever have any dealings with an employee named Helen Kendall? A Yes, ma'am. Q What did you understand her role to be? A I thought she was human resource. Q For the Gallatin plants? A Yes, ma'am. Q Did you know that WestRock had a compliance hotline?
2 3 4 5 6 7 8 9 10	A This day and time, no. Q Did you see Mr. Whited hit Mr. Kulakowski in the groin? A You asked that already. Yes. Q Okay. I couldn't remember if I was specific. I forget. A That's all right. Q Did Mr. Kulakowski complain to you about the way that Mr. Whited treated him? A Sometimes, yes.	2 3 4 5 6 7 8 9 10	Q Did you ever have any dealings with an employee named Helen Kendall? A Yes, ma'am. Q What did you understand her role to be? A I thought she was human resource. Q For the Gallatin plants? A Yes, ma'am. Q Did you know that WestRock had a compliance hotline? A Yes, ma'am.
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14 tell you or Larry Eden that he was sick of the way 15 Tommy Whited was kicking him or treating him or 16 anything of that nature? 17 A He said before that he was sick of the way 18 he treated him. 19 Q Have you ever heard Mr. Whited or did you 20 ever hear Mr. Whited tell Mr. Kulakowski that he 21 could suck his dick, or anything like that? 22 A Yeah, I've heard him say it a couple of 23 times. I didn't never mind. 14 HR person now, right? 15 A Yeah. I understand that, yes. 16 Q About how many times do y'all see in the properties of the way 18 A Not many. Three or four maybe. 19 Q Okay. When y'all get an employee in the properties of the way 20 are y'all required to go through it or do in the properties of the way 21 sign to say that you received it? 22 A Well, we sign that we received it. 23 it's always been I went through mine, so	\OL	ANOWSKI VS WESTROCK SERVICES		
2 No. have a better memory than I have. 3 A Sorry. 4 NS. DORNER SMITH: I don't even have to 5 do the objection asked and answered. 6 THE MITNESS: I'm very unconfortable 7 about doing this. 8 NS. COLLINS: I'm sure. I understand. 8 NS. COLLINS: I'm sure. I understand. 9 BY MS. COLLINS: I'm sure. I understand. 10 O Did you ever hear Tosmy Whited cussing at 11 Michael Rulakowski? 12 A Yeah. Yes, na'am. 13 Q Have you heard him call Michael Rulakowski at 14 stupid Polak? 15 A Yes, ma'am. 16 Q More than one time? 17 A Yes, ma'am. 18 Q Did you hear him call Michael Rulakowski at 19 other names? 20 A Tosmy had a way with words. I'm sure he 21 said some more things. He did that. 22 Q Did you hear him call Mr. Rulakowski 23 a stupid motherfucker? 24 A I'm not sure that was a direct thing or not. 5 I know about the Polak thing because of his last 1 name. Tosmy had a foul mouth sometimes. 2 Q So you don't dispute that he called 3 Mr. Rulakowski 4 A I could not dispute that, but I don't 5 Q Okay. Do you recall an occasion where 6 Mr. Whited kicked Mr. Rulakowski so hard he fell to 7 his knees and wasn't shale to breathe? 8 A No. 9 Q Do you recall an incident out at a picnic 10 table with Mr. Kulakowski and Mr. Whited, where he 11 was kicked out there? 2 A No. ma'am. 13 Q Did you ever witness Mr. Mulakowski in the groin? 15 Page 15 1 name. Tosmy had a foul mouth sometimes. 2 Q So you don't dispute that, but I don't 5 Q Okay. Do you recall an occasion where 6 Mr. Whited kicked Mr. Rulakowski and Mr. Whited, where he 11 was kicked out there? 2 A No. ma'am. 13 Q Did you ever witness Mr. Nulakowski in the recalled 14 tell you or recall an incident out at a picnic 15 table with Mr. Rulakowski and Mr. Whited was kicked out there? 2 A No. ma'am. 2 Page 15 2 A No. ma'am. 2 Q Right. But I'm talking about, let 4 yea. Mail couldn't tell you who what, 5 but back when I started in the '90s, it was practical jokes and horeeplay. 7 Pay NS. DOLLINS: 8 Q Right. But I'm talking about, let 9 yea. 10 Q Right Mr. Whited tell Mr. Rulakows	1 1	· · · · · · · · · · · · · · · · · · ·	1	Page 16 Were you asked any questions at all about
3 A No. ma'am. I thought that was ver MS. DotNER SMITH: I don't even have to do the objection asked and answered. 5 do the objection asked and answered. 7 about doing this. 8 MS. COLLINS: I'm sure. I understand. 9 BY MS. COLLINS: I'm sure. I understand. 9 BY MS. COLLINS: I'm sure. I understand. 10 Q Did you ever hear Tommy Whited cussing at life Michael Kulakowski? 11 A Yeah. Yes, ma'am. 12 A Yeah. Yes, ma'am. 13 Q Rave you heard him call Michael Kulakowski at life Polak? 15 A Yes, ma'am. 16 Q More than one time? 17 A Yes, ma'am. 18 Q Did you hear him call Michael Kulakowski at life other names? 19 A Yes, ma'am. 10 Q Did you hear him call Michael Kulakowski at life other names? 10 A Tommy had a way with words. I'm sure he life other names? 10 A Tommy had a way with words. I'm sure he life other names? 10 A Tommy had a foul mouth sometimes. 11 Page 15 1 name. Tommy had a foul mouth sometimes. 12 Q So you don't dispute that he called life of Mr. Kulakowski and Mr. Whited, where he life way life words and wasm't able to breathe? 1 name. Tommy had a foul mouth sometimes. 2 Q So you don't dispute that, but I don't 15 Q Cokay. Do you recall an incident out at a picnic life kicked Mr. Kulakowski and Mr. Whited, where he was kicked out there? 1 A No. ma'am. 1 Co Did you were witness Mr. Kulakowski either life way life words. I'm sure he		-		
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	ANOVONI VS WESTNOON SERVICES		
1	Page 18 MS. COLLINS: Okay. I think that's all	1	Page 20 Q His demeanor changed when he had problems
2	I have. Let me just take a second to look at my	2	with his back?
3	notes.	3	A Yes, ma'am.
4	(Pause in proceedings.)	4	Q And he'd complain about the pain in his
5	BY MS. COLLINS:	5	back?
6	Q Have you been in contact with Tommy Whited	6	A Yes, ma'am.
7	since termination?	7	Q And when his back got better, his demeanor
8	A He called me one time.	8	got better?
9	Q What did he call you about?	9	A Yeah.
10	A He met me on the road and told me that he	10	Q And then lately his back is hurting him
11	respected me and that was how did he put it? It	11	again?
12	was a pleasure working with me, and if he ever	12	A He's complaining with his leg and stuff
13	needed him if I ever needed him, call him.	13	hurting, yes, ma'am.
14	Q Okay. When was that?	14	Q Okay. When you get a copy of the handbook
15	A Maybe a week after he was fired.	15	and you sign off on it, employees actually get their
16	Q And you haven't seen him since then?	16	own copy to keep, correct?
17	A I've seen him. I haven't talked to him.	17	A Yes.
18	Q Okay. You didn't buy a car or anything from	18	Q Now, Terri Henley being at the facility, are
19	him, did you?	19	there times that she may be there and you just don't
20	A No, ma'am.	20	know because you don't see her?
21	Q You don't owe him any money, do you?	21	MS. COLLINS: Objection to form.
22	A No, ma'am. That's the last thing I would	22	You can answer.
23	have done.	23	THE WITNESS: I can answer?
24	Q Now, you mentioned earlier that you were	24	MS. COLLINS: Yes, you can answer.
25	uncomfortable being here. Are you worried about	25	THE WITNESS: This is confusing me.
<u> </u>	D 40		Danie 24
	Page 19		
1	•	1	Page 21 I'm sure it's possible that she's there
	providing testimony here today?	1 2	I'm sure it's possible that she's there
1 2 3	•	1 2 3	•
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KUL	ANOWSKI VS WESTROCK SERVICES		
1	Page 22 he'd cuss in full meetings, correct?		Page 24 being sexually harassed, did he?
2	A Yes, ma'am.	2	A No, ma'am.
			•
3		3	Q Did Mr. Kulakowski ever ask you to make a
	meetings?	4	report or call the hotline or call HR on his behalf?
	A Yes, ma'am.	5	A No, ma'am.
6	Q You said you heard Mr. Whited call	6	MS. DOHNER SMITH: That's all I've got.
7	Mr. Kulakowski a stupid Polak. Mr. Kulakowski would	7	EXAMINATION
8	also refer to himself as a Polak, correct?	8	BY MS. COLLINS:
9	A Yes.	9	Q A moment ago when you were being asked about
10	Q And he'd joke about being a Polak?	10	people using the term or Mr. Kulakowski using the
11	A Yes, ma'am.	11	term motherfucker in the workplace, I think you said
12	Q Okay. The handful of times you said you saw	12	just about everybody else does, too?
13	Mr. Whited either hit or kick Mr. Kulakowski, that	13	A Several individuals use words. I'm guilty.
14	handful, does that encompass the hitting and kicking	14	Sorry.
15	in the groin and then hitting and kicking other	15	Q Okay. When you were asked about whether or
16	places?	16	not Mr. Kulakowski was cutting up with Mr. Tommy
17	A Yeah. I would say both would be a handful	17	Whited, you don't, in fact, know if he welcomed
18	of times, yes.	18	being hit or kicked in the groin, do you?
19	Q Okay. Now, that handful of times,	19	MS. DOHNER SMITH: Objection.
20	Mr. Kulakowski, was he typically laughing, seemed to	20	THE WITNESS: I don't know how to
21	be laughing and cutting up when all of this was	21	answer that. No, I'm not Michael Kulakowski, so I
22	going on?	22	don't know if he would have welcomed it or not.
23	MS. COLLINS: Objection to form.	23	BY MS. COLLINS:
24	THE WITNESS: Sometimes.	24	Q Okay. And I believe you said Mr. Kulakowski
25	THE WITHESS. SOMECTIMES.		was afraid of Mr. Whited, right?
23		25	was arrara or mr. mireea, right.
1	Page 23	1	Page 25
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1	Page 26 REPORTER'S CERTIFICATE
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3	I, Jerri L. Porter, RPR, CRR, Notary
4	Public and Court Reporter, do hereby certify that I
5	recorded to the best of my skill and ability by
6	machine shorthand all the proceedings in the
7	foregoing transcript, and that said transcript is a
8	true, accurate, and complete transcript to the best
9	of my ability.
10	I further certify that I am not an
11	attorney or counsel of any of the parties, nor a
12	relative or employee of any attorney or counsel
13	connected with the action, nor financially
14	interested in the action.
15	SIGNED this 28th day of November, 2017.
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19	$(), \mathbb{Z} \setminus \mathcal{Z}$
20	And I Vox
	/ Jerri L. Porter, RPR, CRR
21	12
22	My Notary commission expires: 2/19/2018
23	Tennessee LCR No. 335
	Expires: 6/30/2018
24	
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	Page 27
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